

# **PROPOSED CHILD CARE HOMES RULE**

DRAFT

## **Section 1 – General**

### **(a) Legal Authority**

This rule is developed under the authority of IC 12-17.2.

### **(b) Purpose**

The purpose of this rule is to set the minimum standards of care to provide for the care, health, safety, and supervision of children in child care homes and to support families as the consumers of child care in promoting the social, emotional, physical and educational growth of their children. Child care is first and foremost the responsibility and choice of the parents.

### **(c) Scope**

This rule applies during hours of operation to a child care home in the state of Indiana, including Class I and Class II child care homes.

### **(d) Definitions**

- (1) **“Approved water source”** means a municipal water supply or a well water supply with documented annual water quality tests indicating the water is free of coli form bacteria and any other known contaminant that is above safe drinking water standards, or demonstrated compliance with Indiana department of environmental management drinking water standards.
- (2) **“Assistant caregiver”** means a person who is at least eighteen (18) years of age who works in a child care home under the management of a caregiver.
- (3) **“Caregiver”** means a person who is at least eighteen (18) years of age who is responsible for the direct care, protection and supervision of children in a child care home, and manages assistant caregivers and student assistants.
- (4) **“Child care”** means a service for families that is designed to supplement daily parental care by providing for the health, safety and supervision of children
- (5) **“Clean”** means to remove dirt and debris (such as blood, urine, and feces) by scrubbing and washing with a detergent solution and rinsing with water.
- (6) **“Crib”** means a child’s bed that has an interior dimension greater than fifty-one and three-fourths (51  $\frac{3}{4}$ ) inches in length and twenty-seven and three-

eighths (27 3/8) inches in width, and, with the mattress support in its lowest position and the crib side in its highest position, a vertical distance from the upper surface of the mattress support to the lower surface of the crib side or panel of not less than twenty-six (26) inches.

(7) **“Design professional”** means

- (A) an architect;
- (B) a licensed engineer; or
- (C) another professional approved by the division.

(8) **“Disinfect”** means to eliminate virtually all germs from surfaces through the use of chemicals (such as products registered with the U.S. Environmental Protection Agency as “disinfectants”) or physical agents (such as heat). Generally ¼ cup bleach to one gallon of water.

(9) **“Licensee”** means a corporation, an individual, a partnership, a voluntary corporation or other entity who is at least 21 (twenty-one) years of age who is granted a license by the division to operate a child care home and is responsible for meeting the requirements set out in this rule

(10) **“Portacrib”** means a child’s portable bed that has an interior dimension smaller than fifty and three-eighths (50 3/8) inches in length but not less than thirty-six (36) inches in length, and smaller than twenty-six (26) inches in width but not less than twenty-four (24) inches in width, and, with the mattress support in its lowest position, a vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel of not less than twenty-two (22) inches.

(11) **“Residential structure”** means a dwelling unit as that term is defined in the rules of the fire prevention and building safety commission where an applicant or licensee may or may not reside.

(12) **“Sanitize”** means an additional step after cleaning to reduce the number of germs on a surface to a level that is unlikely to transmit disease. For housekeeping procedures to be considered sanitary, soap, detergent or abrasive cleaners must be used in a manner that cleans the surface and reduces the number of germs to such a level that disease transmission is unlikely. This procedure is less rigorous than disinfection.

(13) **“School age child”** means a child who is at least seven (7) years of age or enrolled in at least grade one (1), including the three (3) months prior to eligibility to enter grade one (1).

- (14) **“Staff” or “Staff member”** means a person, paid or unpaid, qualified to be counted in the staff to child ratio.
- (15) **“Staff development”** means activities for staff including
- (A) in-service training;
  - (B) workshops;
  - (C) conferences;
  - (D) college courses;
  - (E) online learning; and
  - (F) self-study.
- (16) **“Student assistant”** means a staff member fourteen (14) years of age through seventeen (17) years of age who works in a child care home within the sight or hearing of a caregiver or assistant caregiver.
- (17) **“Substitute”** means a person who works in a child care home when a child care staff member is unavailable and meets the same qualifications as staff.
- (18) **“Universal Precautions”** means procedures to be followed for infection control in all situations to prevent the transmission of blood-borne germs that may be spread through blood and other bodily fluids that might contain blood.
- (19) **“Variance”** means official permission granted by the division for an alternative method of compliance with this rule.
- (20) **“Visitor”** means any person at the child care home during hours of operation who is at least fourteen (14) years of age and not a child in care, staff member or a member of the household.
- (21) **“Waiver”** means official permission granted by the division for exemption from compliance with a specified rule.

## **Section 2: Procedural Rules**

### **21 Licensee**

- (a) An individual, corporation, partnership, voluntary association or other entity may apply to operate more than one (1) child care home.
- (b) A licensee may be the caregiver for only one (1) child care home at a time.
- (c) An applicant for a license must be at least twenty one (21) years of age at the time of application.

### **22 Applications**

**(a) Initial Licensure**

An applicant for a child care home license shall do the following:

- (1) Attend orientation training arranged or approved by the division.
- (2) Comply with application procedures required by this rule and Indiana state law.
- (3) Submit to the division an application for a child care home license completed and signed by the applicant with the following attachments required to demonstrate compliance with this rule:
  - (A) A statement attesting that during the processing of the application, the applicant has not been:
    - (i) convicted of
      - (AA) a felony;
      - (BB) a misdemeanor relating to the health and safety of children; or
      - (CC) a misdemeanor for operating a child care center or home without a license; and
    - (ii) charged with:
      - (AA) a felony;
      - (BB) a misdemeanor relating to the health and safety of children; or
      - (CC) a misdemeanor for operating a child care center or home without a license.
  - (B) The necessary information, forms or consents for the division to conduct
    - (i) a criminal history check on the applicant, the applicant's spouse, and household members who are at least (18) years of age; and
    - (ii) a check of the applicant, the applicant's spouse, and household members who are at least eighteen (18) years of age to determine whether their name appears on the sex offender registry.
  - (C) Results of physical exam and TB tests
  - (D) Documentation of educational qualifications, including training in safe sleeping practices taught or approved by the division.
  - (E) Proof of notification to the local fire department.
  - (F) If applicable, results of a water quality test.
  - (G) Results of a five panel drug screening for the applicant, the applicants spouse and household members who are at least eighteen (18) years of age

**(b) Relicensure**

An applicant for relicensure of a child care home shall do the following:

- (1) Comply with the application procedures required by this rule.
- (2) Prior to relicensure, submit to the division a new application completed and signed by the applicant with the attachments required to demonstrate compliance with this rule, including all documentation required at the initial application with the exception of staff members' physical exams that have previously been submitted, orientation training and safe sleep training

**(c) Application for Additional School Age Child**

When a licensee who operates a class I child care home applies to serve a school age child during a break in the school year that exceeds four (4) weeks, the licensee shall provide documentation that the home meets the requirements of this rule.

**(d) Application for a Structure Where an Applicant or Other Person Does Not Reside**

When an applicant applies for a child care home license for a structure where the applicant, or any other person, does not presently physically reside, the division may request the applicant or licensee to provide documentation from a design professional that the structure qualifies as a residential structure before a license for a child care home may be issued.

**(e) Application for Multiple Licenses**

- (1) When an applicant applies for multiple licenses within the same structure or building, the applicant shall ensure that each home independently meets the requirements for licensure.
- (2) When two (2) or more licensed child care homes are located within the same residential structure, the licensee shall ensure that the facilities are separated by a two (2) hour structurally independent fire wall constructed in accordance with Indiana Building Code and any doors between the two facilities have one and a half hour fire doors.
- (3) When an applicant applies for multiple licenses located within the same structure or building, the applicant shall submit a statement signed by a design professional using forms provided by the Division certifying that each child care home to be licensed meets state building code requirements for fire and safety issues for the proposed use. This may also include an inspection by a State fire inspector or their designee.

- (4) A licensee who held a license continually since July 3, 1996, is exempt from meeting the requirements of (1) and (2).

**(f) Application for a Class II Child Care Home**

When an applicant applies for a license for a class II child care home, in addition to the items identified in (a)(1), the applicant shall submit to the division with its application form, a notarized statement signed by a design professional using forms provided by the Division that the class II child care home is in compliance with the requirements of this rule.

**23 Inspections**

An applicant or licensee shall permit the division to enter the home to conduct an inspection to determine compliance with this rule.

**24 Notifications to the division**

(a) When the following events occur, the licensee shall report to the division by telephone within one (1) working day:

- (1) any injury occurring while a child is in care and resulting in medical treatment by a licensed medical professional
- (2) fire or smoke which requires the services of the fire department;
- (3) any arrest of a licensee, staff or household member for any misdemeanor or felony relating to the health and safety of children
- (4) any investigation by the department of child services of a licensee, staff or household member;

(b) The licensee shall report an addition of a new staff member or household member within five working days.

**Section 3: Staffing**

**31 Staff to Child Ratio**

(a) When determining the staff to child ratio, the licensee shall include

- (1) Staff, including:

- (A) caregivers;
  - (B) assistant caregivers;
  - (C) student assistants; and
  - (D) volunteers
- (2) Each child who is present in the home, except a child
- (A) for whom the licensee is a parent or other relative; and
  - (B) who is at least seven (7) years of age.

(b) The following child to staff ratios shall apply:

<b>Type of Home</b>	<b>Child to Staff Ratio</b>
<b>INFANT HOME: BIRTH – 16 MONTHS OF AGE</b>	<b>4:1*</b>
	4 children less than 16 months of age
<b>MIXED AGE GROUPS</b>	
<b>Birth – 14 years</b>	<b>10:1***</b>
	*** No more than three (3) of the ten (10) children may be less than sixteen (16) months of age
<b>36 MONTHS OF AGE OR OVER</b>	<b>12:1****</b>
	**** All children are thirty-six (36) months of age or over.

- (c) When a child is in a swimming pool, the licensee shall ensure that at least one
- (1) additional staff member is present.

## **32 Management of Staff**

- (a) If a licensee is not the caregiver, the licensee shall maintain or employ a caregiver in each child care home who is responsible for the direct care, protection and supervision of the children.
- (b) When the caregiver is absent, the licensee shall ensure that an assistant caregiver is in charge of the child care home.
- (c) The licensee shall ensure that an assistant caregiver works under the supervision of the caregiver.
- (d) The licensee shall ensure that a student assistant



(1) works within the sight or sound supervision of a caregiver or an assistant caregiver; and

(2) is not left in charge of a child care home.

(e) The licensee shall ensure that

(1) during hours of operation, other activities do not prevent staff from providing supervision and being engaged with children; and

(2) when a child care home provides overnight care, child care staff sleep on the same floor and within hearing distance of the children and that staff only go to sleep after all children are asleep.

### **33 Staff Requirements**

#### **(a) Background**

(1) The licensee shall ensure that for each child care staff and household member who is at least eighteen (18) years of age, checks are carried out as related to

- (A) criminal history;
- (B) drug testing; and
- (C) sex offenses.

(2) The licensee shall ensure that for each child care staff member who is less than eighteen (18) years of age, checks are carried out as authorized by law and with parental consent related to

- (A) drug testing; and
- (B) sex offenses.

#### **(b) Qualifications**

(1) The licensee shall have on file

- (A) Documentation of the licensee's high school diploma, high school equivalency certificate, college diploma or transcript.
- (B) Evidence that the licensee
  - (i) has completed;
  - (ii) is enrolled in; or
  - (iii) agrees to complete within the next three (3) years a child development associate credential program or a similar program approved by the division; or
  - (iv) has completed twelve (12) college credits in early childhood education or similar field.

(C) Documentation that the licensee has completed the training course taught or approved by the division concerning safe sleeping practices, including practices to reduce the risk of sudden infant death syndrome.

(2) Licensees licensed on or before July 1, 2001, are exempt from (1) (A) and (B).

**(c) Staff Orientation, Training and Development**

- (1) The licensee shall ensure that
- (A) Within one (1) week of beginning care of children all staff receive training that includes, but is not limited to, training in
    - (i) emergency evacuation and procedures;
    - (ii) fire safety;
    - (iii) child care home laws and regulations;
    - (iv) confidential treatment of personal information about children in care and their families;
    - (v) procedures for reporting suspected child abuse and neglect;
    - (vi) universal precautions; and
    - (vii) safe sleep practices.
  - (B) At all times during the hours of operation at least one staff member is on-site with an annual certification in cardiopulmonary respiration (CPR) appropriate for all ages of children enrolled.
  - (C) Within ninety (90) days of beginning care of children and every three (3) years thereafter, all staff receive first aid training, from a trainer certified by a nationally recognized organization, including training in the emergency treatment of
    - (i) poisoning;
    - (ii) seizures
    - (iii) bleeding;
    - (iv) respiratory failure
    - (v) choking
    - (vi) allergic reactions
    - (vii) injuries and
    - (vi) fractures.
  - (D) Staff certification in CPR and training in universal precautions is updated annually.
  - (E) Annually, all child care staff including the licensee complete at least twelve (12) clock hours of staff development activities on topics such as
    - (i) Child growth and development, including infant and toddler development if a child twenty-four (24) months of age or less is in care.
    - (ii) Child care programming and activities.
    - (iii) Health and safety practices.
    - (iv) Inclusion of children with special needs.

- (v) Nutrition and eating habits.
- (vi) Parent communication.
- (vii) The child care environment.

(2) For all licensees, two (2) of the required twelve (12) clock hours of staff development activities required in 1(E) shall be in the area of nutrition. Participation in the food program fulfills this requirement.

- (3) Training in first aid, universal precautions, and CPR shall not be included in the clock hours of staff development activities required in 1 (E).

### **34 Visitors**

(a) Staff shall ensure that a visitor

- (1) is not counted in the staff to child ratio;
- (2) is not left alone with a child;
- (3) does not distract staff from providing supervision and being engaged with the children and,
- (4) is not known to be a sex offender

(b) A visitor is exempt from staff qualification requirements.

## **Section 4: Physical Site**

### **41 General**

(a) Prior to accepting a child, a licensee shall ensure that a parent

- (1) sees all areas of the child care home and premises used for child care;
- (2) is informed that a parent may visit the child care home, without notice, at any time that the child care home is in operation;

(b) When a child care home is licensed after the effective date of this rule, the licensee shall ensure that the areas of the home used for child care provide at least thirty-five (35) square feet of usable play space for each child.

(c) The licensee shall provide a protected outdoor play area that is enclosed by a barrier or fence or some combination of both, that is

- (1) a minimum of forty-two (42) inches in height;
  - (2) of sturdy construction;
  - (3) safe for the children; and
  - (5) reinforced at intervals to give adequate support.
- (d) providers licensed continually prior to the adoption of this requirement are exempt from 41(c), providing the existing barrier is kept in good condition and prevents the children in care from leaving the premises during outside play time.

## **42 Environment**

- (a) The licensee shall ensure that the child care home
- (1) Provides an environment with heat, light and ventilation for normal occupancy.
  - (2) Has an operable flashlight or emergency lighting.
  - (3) Is equipped with an operable carbon monoxide detector.
- (b) The licensee shall prohibit the use of tobacco and alcohol, and the use and possession of illegal drugs at all times when care is being provided both inside and outside the child care home and on field trips.

## **43 Equipment and Furnishings**

### **(a) Kitchen**

The licensee shall ensure that all food preparation areas, serving area, and utensils are washed and sanitized daily and that the kitchen includes the following equipment in operating condition and in good repair:

- (1) stove or microwave;
- (2) refrigerator;
- (3) sink with hot and cold running water; and
- (4) table and chairs, or developmentally appropriate feeding equipment for children not able to sit at the table.

**(b) Sleep Area**

**(1) Children Twelve (12) Months of Age or Less**

- (A) For each child who naps,
  - (i) the licensee shall provide individual, age appropriate sleeping equipment, including a crib, portacrib, or playpen that is equipped with a firm-fitting mattress or pad made of waterproof materials; or
  - (ii) if a child is capable of climbing out of a crib, the licensee may place the child on a cot, sleeping bag, or mat for protection from injury.
- (B) For each child who sleeps overnight, the licensee shall provide age appropriate sleeping equipment, including a separate crib or portacrib.
- (C) For a child who is unable to turn without assistance, a licensee may use a bassinet provided that the parents give written permission for the use of the bassinet and that the licensee adheres to the manufacture's use specifications.

**(2) Children Over Twelve (12) Months of Age**

- (A) For each child who naps, the licensee shall provide individual, age appropriate sleeping equipment, including a washable cot, sleeping bag or mat equal or greater than the length of the child.
- (B) For each child who sleeps overnight, the licensee shall provide age appropriate sleeping equipment, including an air bed, cot, mats two (2) inches thick or thicker or a bed with a mattress.

**(3) Linen**

For each sleeping or resting child, the licensee shall provide clean bed linen, or other suitable covering shall be provided, including blankets as necessary.

**(c) Telephone**

- (1) The licensee shall ensure that the child care home has at least one (1) working telephone that is accessible to staff during the hours of operation.
- (2) The licensee shall ensure that telephone numbers are kept near the telephone for the following:
  - (A) Emergency services.

- (B) Poison control center.
- (C) Nearest hospital.
- (D) Child Protective Services hotline

#### **44 Sanitation**

##### **(a) Water**

- (1) When multiple child care homes utilize a private well(s), the applicant or licensee shall ensure that the well meets the water testing requirements of 327 IAC 8 whenever twenty-five (25) or more people are present.
- (2) The licensee shall ensure that the hot water temperature in the sinks used by children shall not exceed 120°F.

##### **(b) Bathroom**

- (1) The licensee shall ensure that each floor of the child care home where services are provided has at least one (1) bathroom that includes a toilet and sink accessible to children.
- (2) If the child care home is a bi-level or tri-level structure, the licensee shall ensure that a bathroom is accessible to children by use of no more than five (5) stair steps and that children can be observed going into the bathroom.
- (3) Toilets and sinks are cleansed and sanitized as needed
- (4) Any chair used for toilet training is emptied, cleansed, and sanitized after each use.

##### **(c) Diaper Changing Area**

Whenever the home provides care for a child who is not toilet trained, the licensee shall provide an area for diaper changing that

- (1) is not located in the food preparation area or on the food service surface;
- (2) includes a washable diaper changing surface; and
- (3) is equipped with
  - (A) single-use, disposable, water proof material to be placed between the child and the diaper changing surface;
  - (C) materials that are out of reach of the children but accessible to caregivers for cleaning and sanitizing the diaper changing surface.

- (4) a container with a tight fitting lid that cannot be opened by children for disposing of diapers is available and emptied daily.
- (5) The diaper changing area is cleaned and disinfected after each use.

**(d) Garbage**

The licensee shall ensure that

- (1) Food waste and garbage, other than paper, is kept in a container that has a tight-fitting lid and is emptied daily.
- (2) Garbage is removed from the premises at least weekly.

**(f) Screens**

When windows and doors are kept open for ventilation, the licensee shall provide and maintain in good condition screens for windows and exterior doors.

**45 Pets and Other Animals**

- (a) The licensee shall ensure that pets and other animals on the premises do not pose a risk to the health and safety of a child.
- (b) The licensee shall ensure that all pets have appropriate, current vaccinations, including rabies.
- (c) The licensee shall ensure that unless enclosed in a glass container and inaccessible to a child, the following are not present in the child care area at any time:
  - (1) Ferrets.
  - (2) Turtles.
  - (3) Iguanas.
  - (4) Lizards.
  - (5) Other reptiles.
  - (6) Psittacine birds (birds of the parrot family).

- (d) The licensee shall ensure that
  - (1) No animals are present in food areas during the preparation and serving of food.
  - (2) Animal litter boxes are not located in areas accessible to the children.
  - (3) All animal litter is
    - (A) removed immediately from inside and outside areas accessible to the children; and
    - (B) discarded
      - (i) as required by local health authorities; or
      - (ii) in a container with a tight-fitting lid located outside the area used for child care.

#### **46 General Safety**

- (a) The licensee shall ensure that, inside and outside the home where child care services are provided, no condition exists to endanger the health, safety and welfare of the children.
- (b) The licensee shall ensure that poisonous or hazardous materials are inaccessible to children, including but not limited to:
  - (1) Cleaning supplies, including detergents and bleach.
  - (2) Beauty products, such as perfume and deodorants.
  - (3) Insect sprays and lawn care products.
  - (4) Household paint and other renovation chemicals.
  - (5) Prescription and over-the-counter medication.
  - (6) Vitamins and food supplements.
  - (7) Tobacco products.
  - (8) Lighters and matches.
  - (9) Alcohol.
  - (10) Toxic plants.



(c) The licensee shall ensure that implements and tools are inaccessible to children, including but not limited to:

- (1) Power tools.
- (2) Lawn mowers.
- (3) Paper shredders.

(d) When a child is present in the child care home, the licensee shall ensure that all ammunition and firearms are kept in a locked area that is inaccessible to children.

(e) The licensee shall ensure that all exposed electrical outlets have protective coverings.

(f) If a home is equipped with a portable fan, the licensee shall ensure that it has a safety device that prevents fingers from making contact with a blade and bears safety certification from a recognized testing laboratory.

(g) If an extension cord is used, the licensee shall ensure that it is not frayed, overloaded, or placed in a doorway, under carpeting, or across water source areas.

(h) When caring for a child less than school age in a home with a stairway, the licensee shall ensure that

- (1) each stairway is guarded by a gate or closed door; or
- (2) if a gate or closed door blocks a required fire exit,
  - (A) the gate is an approved latching gate; or
  - (B) a plan is in place to prevent the child from accessing the stairs.

(i) The licensee shall ensure that a stairway with over four (4) steps that is used by a child is equipped with railings.

(j) When caring for a child less than three (3) years of age, the licensee shall ensure that the following items are inaccessible to the child or are used only with the visual supervision of a staff member:

- (1) Small objects, toys and toy parts that have diameters of less than one and one quarter (1 and ¼) inch and can be swallowed.
- (2) Plastic bags.
- (3) Styrofoam objects.

- (4) Coins.
  - (5) Balloons.
  - (6) Safety pins.
  - (7) Marbles.
- (k) The licensee shall ensure that a child less than school age is not permitted to
- (1) suck on a balloon or put balloon in his or her mouth;
  - (2) inflate a balloon; or
  - (3) have access to an uninflated or under inflated balloon.

#### **47 Crib Safety**

- (a) The licensee shall ensure that each crib meets the following guidelines:
- (1) Construction is sturdy.
  - (2) No corner post is higher than one-sixteenth (1/16) inch above the level of the head and foot boards.
  - (3) The headboard has no cutouts.
  - (4) Spaces between the bars of the crib and between the bars and the end panels of the crib do not exceed two and three-eighths (2 3/8) inches.
  - (5) The mattress, mat or pad is
    - (A) Firm.
    - (B) At least two (2) inches thick.
    - (C) Securely covered with a waterproof material that is not dangerous to a child.
    - (D) Manufactured for sale in the United States as infant sleeping equipment.
    - (E) Tightly fitted in the crib, with a gap that is less than one (1) inch between the mattress, mat or pad and the crib.
  - (6) Drop latches
    - (A) Are safe.
    - (B) Hold the sides of the crib securely in the raised position.
    - (C) Are not operable by a child in the crib.
  - (7) Playpens and portacribs are

- (A) safe; and
  - (B) used according to the specifications of the manufacturer.
- (b) Tiered or stacked cribs are prohibited.

#### **48 Playground Safety**

(a) The licensee shall ensure that whenever a child is using outdoor play space, on the premises of the home or in a neighborhood playground, the following conditions exist:

- (1) The play space is free of litter.
  - (2) Grass, if any, is mowed regularly.
  - (3) Play equipment is
    - (A) Age-appropriate.
    - (B) Free of
      - (i) sharp or rough edges; and
      - (ii) pinch points.
    - (C) Installed safely.
    - (D) In good repair.
  - (4) Climbing and play structures are not placed on cement or asphalt surfaces.
  - (5) Sand used as a play space or ground cover is covered when not in use or raked daily when in use.
- (b) Trampolines are inaccessible to the child.
- (c) Free swinging ropes are prohibited.

#### **49 Swimming Pools**

The licensee shall ensure that all in ground or non-portable above ground swimming pools accessible to children

- (a) comply with local zoning ordinances; and
- (b) are surrounded by a fence secured with a locked gate to prevent children from entering the area unattended.

### **Section 5: Fire Safety**

#### **51 Notification and Inspection**

(a) At the time of application, annually, or when there is a change in the children in care requiring special consideration, an applicant or licensee shall notify the local fire department of

- (1) the license holders name, location and capacity of the home;
- (2) the hours of operation; and
- (3) any special considerations related to the enrolled children.

(b) If requested by the division, an applicant or licensee shall permit inspection of the child care home by the state fire marshal or his designee.

## **52 Exits**

### **(a) Class I Homes When the Licensee Resides in the Home**

(1) When a licensee operates a class I home and resides in the home, the licensee shall ensure that the child care home has two (2) remotely located means of exit.

(2) If child care is provided on a second or higher story of a structure,

(A) each story shall have two (2) remotely located means of exit, at least one of which shall be a stairway providing unblocked travel to the outside of the home at street or ground level; and

(B) if the second stairway is outside of the home and the first step is more than one (1) inch lower than the door frame, there shall be a landing with a minimum of forty-two (42) square feet.

(3) If child care services are provided in a basement area,

(A) The basement area shall have a direct exit at ground level not involving stairs or ramps.

(B) The interior staircase serving the first floor is acceptable as the second exit for a basement in which child care services are provided.

(C) Allowable exits include an exit that is a level area directly outside the exterior door that is at least thirty-two (32) square feet, such as a porch, deck, or stairway landing.

(D) Bi-level and tri-level homes licensed by the division as of July 3, 1996, are exempt from section 52 (a) (3).

(4) Each room of the home where child care services are provided shall have at least two (2) means of escape, which may include one (1) door and one (1) operable window with a minimum opening of twenty-four (24) inches by twenty (20) inches that is not more than forty-four (44) inches from the floor.

(5) All approved exit doors shall be operable from the inside without the use of a key or any special knowledge.

(6) Whenever a sliding glass door is considered a direct exit, the glass door and its screen must be

- (A) unobstructed;
- (B) operable; and
- (C) maintained in good working condition.

(7) Any area where hazardous materials are stored shall not be considered an approved exit.

(8) The licensee shall ensure that exits in the child care home are not blocked.

**(c) Class I Homes Providing Care to a Child 24 Months of Age or Less**

(1) When a home has more than one story, the licensee shall ensure that the care of a child 24 months of age or less is limited to the ground level floor of the home.

(2) A child care home licensed prior to the effective date of this rule is exempt from 52 (c) (1) if an effective evacuation plan is approved by the division.

**(d) Class II Homes**

(1) When a licensee operates a Class II child care home and provides care on the first story of the home, the licensee shall ensure that the home has two (2) exits on the first story that are

- (A) separated from each other by a distance that is equal to not less than one-half (.5) the largest dimension of that story; and
- (B) located less than seventy-five (75) feet from an area where child care is provided.

(2) When identifying an exit, a licensee shall consider that

(A) An exit may pass through only one (1) intervening room provided it does not pass through a:

- (i) kitchen;
- (ii) bathroom;
- (iii) closet;
- (iv) storage area; or
- (v) room where hazardous materials are stored.

(B) Whenever the only exit from a room is through an intervening room not identified in (A), each room must have a hard-wired smoke detector that is audible throughout the home.

(C) An approved exit must have a pivoted or swing-hinged door or doors.

(D) A revolving or overhead door is not an acceptable exit.

- (E) Only one (1) of the required exits on each floor may be a sliding glass door.
- (F) At least one (1) approved exit door must be a minimum of thirty-six (36) inches wide and six (6) feet eight (8) inches high.
- (G) Each exit door must be operable from the inside without the use of a key or any special knowledge or effort.
- (H) Each side of an exit door must have a floor or landing that is not more than one-fourth (.25) inch lower than the threshold of the door.
- (I) Each landing from an exit door must be:
  - (i) level;
  - (ii) at least the width of the door; and
  - (iii) at least forty-four (44) inches in length.
- (J) Each approved exit door must be equipped with
  - (i) emergency lighting with battery back up, or
  - (ii) an exit sign that meets the following specifications:
    - (AA) the exit sign is internally or externally illuminated by two (2) electric lamps, one (1) hard-wired, and the other powered by storage batteries;
    - (BB) words on the exit sign are written in block letters six (6) inches high with a letter width of not less than three-fourths (.75) of an inch; and
    - (CC) the exit sign is placed above the approved exit door.

**(d) Class II Homes Providing Care on a Second Story**

When the licensee operates a Class II child care home and provides care on a second story of the home, the licensee shall ensure that the home is in compliance with the following items:

- (1) The entire home is equipped with an automatic sprinkler system.
- (2) At least two (2) exits for the sole use of the occupants of the second story lead directly to the exterior of the home.
- (3) No child twenty-four (24) months of age or less is on the second story.

**(e) Multiple Homes Located Under One (1) Roof**

When two (2) or more child care homes are located within the same residential structure, an applicant or licensee shall provide certification by a design professional that, in accordance with the applicable provisions of the Indiana fire and building safety commission's code in effect at the time of application for initial licensure,

- (1) the homes are separated by a two (2) hour structurally independent fire wall; and

- (2) any door between the two (2) homes is a one and one-half (1.5) hour fire-rated door.

### **53 Smoke Detectors**

#### **(a) Class I Homes**

When a licensee operates a class I child care home, the licensee shall ensure that

- (1) each child care home is equipped with not less than one (1) electrical or battery-operated smoke detector installed in accordance with the manufacturer's specifications
  - (A) at the top of each stairway; and
  - (B) adjacent to all sleeping areas used by the children in care; and
- (2) the alarm is loud enough to alert all occupants in the child care home.

#### **(b) Class II Homes**

When a licensee operates a class II child care home, the licensee shall ensure the child care home is equipped with hard-wired smoke detectors installed in accordance to the manufacturer's specification so that all of the smoke detectors in the home are activated when any one (1) detector is activated. At a minimum, smoke detectors shall be located at the top of each stairway and adjacent to all sleeping areas used by the children in care.

### **54 Fire Extinguishers**

(a) When a licensee operates a class I child care home, the licensee shall locate

- (1) one (1) operable, fully charged two and one-half (2.5) pound or greater ABC multiple purpose fire extinguisher on each floor of the child care use for child care; and
- (2) one (1) additional fire extinguisher in the kitchen area of the child care home.

(b) When a licensee operates a class II child care home, the licensee shall locate an operable, fully charged two and one-half (2.5) pound or greater ABC multiple purpose fire extinguisher in each room (except bathroom) used for child care.

- (c) The licensee shall ensure that each fire extinguisher is easily accessible to staff.
- (d) Non-rechargeable fire extinguishers must be replaced every two (2) years.

### **55 Heating**

- (a) If a space heater is used for heating, the licensee shall ensure the heater
  - (1) is stable and inaccessible to children;
  - (2) has a protective covering to keep hands and objects away from the source of heat;
  - (3) bears the safety certification of a recognized testing laboratory;
  - (4) is placed at least three (3) feet from curtains and all other flammable objects; and
  - (5) is vented so that it does not introduce fumes into the child care area.
- (b) Portable, unvented fossil fuel-burning heating appliances are prohibited.
- (c) When a home is equipped with a heating appliance, such as a fireplace, woodstove, fireplace insert or pellet stove, the licensee shall ensure the following:
  - (1) It is inaccessible to a child.
  - (2) It is equipped with
    - (A) secure and stable screening,
    - (B) a noncombustible hearth, and
    - (C) a grate.
  - (3) The chimney flue is inspected annually and cleaned if recommended.
- (d) When a fireplace is used while a child is present, the licensee shall ensure that
  - (1) a written record of inspections and cleaning is retained; and
  - (2) child care staff dispose of ashes from the fireplace safely by
    - (A) placing the ashes in a noncombustible, covered receptacle;
    - (B) emptying the receptacle by spreading the ashes on the ground away from any building or combustibles; and
    - (C) ensuring that no child is in the same room as the fireplace while the ashes are being removed.
  - (3) a child shall not be left alone in a room where a fireplace is being used.

## **56 Storage of combustible material**



- (a) The licensee shall not permit trash, flammable, and combustible materials, including, but not limited to paper and rags, to accumulate in any area used by children.
- (b) The licensee shall store combustible materials at least five (5) feet away from a furnace or water heater.
- (c) The licensee shall store flammable liquids
  - (1) in an area that is inaccessible to the children; and
  - (2) in tightly sealed, marked containers appropriate to the type of liquid being stored.
- (d) The licensee shall store lighters and matches in an area that is inaccessible to children.

## **57 Emergency Planning**

### **(a) Plan**

- (1) The licensee shall ensure that each child care home has a written emergency plan describing procedures for responding to both natural and man-made disasters, such as a fire, flood, tornado or other extreme weather condition, power failure or utility disruption, chemical or toxic spill, bomb threat, or terrorist attack. The emergency plan shall include procedures for
  - (A) training staff about disaster preparedness and response;
  - (B) identifying the specific responsibilities of staff during a disaster;
  - (C) accounting for children and staff during a disaster;
  - (D) evacuating and relocating (if appropriate); and
  - (E) contacting parents and appropriate emergency response agencies.
- (2) The licensee shall ensure that the emergency plan is in a location in the home where it is easily accessible to both staff and parents.
- (3) The licensee shall develop and post an evacuation plan that
  - (A) clearly delineates exit paths from each child care room; and
  - (B) marks the locations of shut-off locations for gas, electricity and water.
- (4) For each child care home, the licensee shall ensure that
  - (A) gas, electric and water shut-off locations are clearly identified;
  - (B) shut-offs are readily accessible at all times; and
  - (C) all child care staff receive training on the location and operation of the shut-offs.

### **(b) Evacuation**

After evacuation of children from the child care home, staff shall promptly notify the 911 operator upon discovery of

- (1) fire or smoke;
- (2) a gas leak;
- (3) an increased carbon monoxide level; or
- (4) a significant spill of hazardous material or flammable or combustible liquid.

**(c) Evacuation Drills**

For each licensed child care home, the licensee shall ensure that staff conduct and document monthly fire drills in accordance with the rules of the fire prevention and building safety commission that include the complete evacuation of each child and adult in the child care home.

**Section 6: Health**

**61 Child Health**

**(a) Health Exams**

Within 30 days of admitting a child, the licensee shall have on file documentation of a health exam from a physician or certified nurse practitioner that:

- (1) Indicates the child's ability to participate in typical child care activities
- (2) identifies any chronic health conditions such as, but not limited to asthma, diabetes, or allergies
- (3) any special needs of the child
- (4) any special instructions regarding treatment of emergency situations, such as do not resuscitate; and
- (5) history of reportable communicable diseases experienced by the child.

**(b) Immunizations**

- (1) Within 30 days of admitting a child and kept current thereafter, the licensee shall have on file documentation from a physician or certified nurse

practitioner indicating that the child has received complete age appropriate immunizations as recommended by the state department of health including

- (A) conjugated pneumococcal vaccine; and
- (B) if, the child does not have demonstrated immunity to chicken pox, Varicella.

(2) A licensee meets the requirements of (1), if the licensee maintains and annually updates documentation

- (A) from a parent stating that the parent objects to immunization for religious reasons; or
- (B) from a physician
  - (i) providing a medical reason why a child should not be immunized; or
  - (ii) indicating that the child is currently in the process of receiving age-appropriate immunizations.

(3) On admission if a parent requests, in writing, an exemption from the immunization requirements in 61(b) based upon a religious or medical reason, the caregiver shall notify the parents that the possibility exists that child care staff may:

- (A) treat a child using first aid as an emergency measure; or
- (b) exclude a child to control an infectious disease.

**(c) Child Illness**

(1) When a child is too ill to remain with the other children according to the provider's sick child exclusion policy, child care staff shall

- (A) care for the child in an area separate from the other children;
- (B) immediately notify the child's parent; and
- (C) monitor the child until the parent arrives to remove the child from the home.

(2) If a child contracts a reportable communicable disease, the licensee shall

- (A) ensure that the child does not return to the child care home until symptoms are no longer present or a licensed health practitioner indicates that the return of the child does not pose a serious health risk to the child or the other children in the home; and

- (B) report any disease identified by the state department of health as a reportable communicable disease and follow instructions of the state department of health.

(3) To control an outbreak of a reportable communicable disease, the licensee shall provide parents with a written health statement

- (A) informing parents of its exclusion policy;

- (B) requesting parents to inform child care staff, within twenty-four (24) hours, if the child has been diagnosed with a reportable communicable disease; and
- (C) describing procedures for notifying the parents of each child at the home within twenty-four (24) hours of their child's exposure to a reportable communicable disease.

**(d) Medication**

(1) Whenever a child care staff member gives or applies prescription and over-the-counter medication, the licensee shall ensure that

- (A) The licensee has prior written permission from a parent for the administration of each medication.
- (B) Prescription medication is current, in its original container, and labeled with
  - (i) the name of the child;
  - (ii) the name of the medication;
  - (iii) the dosage of the medication to be administered;
  - (iv) the prescribing physician's name;
  - (v) the date the prescription was filled;
- (C) Over-the-counter medication is provided by a parent in its original container, properly labeled with directions for its administration and is labeled with the child's name.
- (D) Over-the-counter medication is administered according to the manufacturer's specifications unless modified by a written order of a physician.
- (E) The medication is stored according to manufacturer's specifications and is inaccessible to children.
- (F) The child care staff member keeps a record of the date, time, method of administration, any adverse reactions, any missed doses, and name of the staff who administered the medication and the amount of the dose.

**(e) First Aid**

The licensee shall ensure that each child care home has

- (1) a Red Cross First Aid Manual or its equivalent;
- (2) at least one (1) first aid kit, stored in a closed container where it is out of reach of the children but is readily accessible to child care staff,
- (3) at least one (1) first aid kit that is available when a child is transported in a vehicle or is on a field trip or outing away from the home.

- (4) first aid kits shall include the contents recommended by the American Red Cross manual or its equivalent.

## **62 Health of Staff and Household Members**

(a) An applicant or licensee shall ensure that, within thirty (30) days of submitting the initial application for a license or introducing a new individual to the home, child care staff who work in the home more than three (3) times a month, and all members of the household who are at least eighteen (18) years of age and who have direct contact with a child receiving care, provide a record of a physical examination by a physician or certified nurse practitioner indicating that they

- (1) are free from communicable disease;
- (2) have had a negative result from a Mantoux tuberculin skin test (recorded in millimeters) or chest x-ray; and
- (2) have no physical or other condition that would endanger the health or welfare of the children in care.

(b) An applicant or licensee shall ensure that, every two (2) years, staff who work in the home more than three (3) times a month, and all members of the household who are at least eighteen (18) years of age and who have direct contact with a child receiving care, provide documentation of a negative result from a Mantoux tuberculin skin test (recorded in millimeters) or chest x-ray as determined by a physician;

(c) When an individual is unable to meet the requirements of sections (a) and (b) because of religious beliefs or medical reasons, the applicant or licensee shall

- (1) provide a signed statement from the individual to the division; and
- (2) inform parents in writing that the individual has filed a religious or medical exemption statement with the division.

## **63 Handwashing**

(a) The licensee shall ensure that

- (1) Child care staff and children wash their hands at a sink with warm water and soap
  - (A) Before meals and snacks.
  - (B) After toilet use.
  - (C) After handling or feeding animals.
  - (D) After giving medication.
  - (E) At other times when soiled.

(2) Child care staff wash their hands at a sink with warm water and soap after diapering a child.

(3) Except for soap, products used for hand washing and drying are used by only one (1) person.

## **Section 7: Nutrition**

### **71 For the Child Twelve (12) Months of Age or Less**

When caring for a child twelve (12) months of age or less, the licensee shall ensure that staff feed the child according to a plan developed by the parents and caregiver that includes

- (a) the specific kind and amount of food and formula to be offered; and
- (b) a feeding schedule.

### **72 For the child Over Twelve (12) Months of Age**

The licensee shall ensure the following:

- (a) Food is offered daily to a child over twelve (12) months of age from a variety of food groups, including
  - (1) fruits and vegetables;
  - (2) grains;
  - (3) meat and meat substitutes; and
  - (4) fluid milk and milk products.
- (b) For a child less than three (3) years of age, foods that can easily cause choking, including but not limited to hot dogs, grapes and raw carrots, are cut into small pieces.
- (c) Unpasteurized products are not used.
- (d) All meats served are USDA certified
- (e) Home canned foods are not served
- (f) Unless a child is asleep, food is offered to the child at individually appropriate intervals not to exceed four (4) hours in length.

- (g) Drinking water is available at all times
- (h) Staff is informed of any special dietary needs of a child, including food allergies, prior to the preparation or serving of food.
- (i) A child is encouraged to taste new foods but is not required to eat anything he or she does not want to eat.

### **73 For the Child Who is Bottle-Fed**

When a child is bottle-fed, the licensee shall ensure the following:

- (a) Bottles are not propped.
- (b) Unless a different type of bottle is used for each child, each bottle is labeled with the name or initials of the child.
- (c) Unless a bottle is made at the time of feeding and immediately discarded when feeding is complete, each bottle is labeled with the date that it was made.
- (d) Breast milk is not warmed in a microwave oven.

## **Section 8: Program**

### **81 Activities for Healthy Development**

- (a) On enrollment, the licensee shall provide parents with a written schedule of typical daily activities.
- (b) The licensee shall ensure that activities for the children
  - (1) are safe and appropriate for the age, abilities and number of enrolled children;
  - (2) include opportunities for both active and quiet play, or study;
  - (3) encourage respect for the values, customs and traditions of other cultures; and
  - (4) are developmentally appropriate and meet the needs and interests of the children
  - (5) promote learning

(c) The licensee shall ensure that each child has an opportunity to play outdoors daily, except under the following conditions:

(1) The severity of the weather poses a safety or health hazard.

(2) When the wind chill is thirty-two (32) degrees Fahrenheit or below, and when the heat index is ninety (90) degrees Fahrenheit or above, as reported by the National Weather Service, caregivers must determine if it is appropriate to play outdoors

(d) When caring for a child twenty-four (24) months or less, the licensee shall do the following:

(1) Establish flexible routines for the following

- (A) Napping.
- (B) Feeding.
- (C) Diapering.
- (D) Toilet training;

(2) Provide opportunities for play and exploration of the environment.

(3) Periodically change the availability of toys for a child who is unable to change their place and position independently.

(4) Ensure that unless a physician indicates otherwise in writing, child care staff place a child twelve (12) months of age or less on his or her back to sleep in a crib, portacrib or playpen

(A) that is free of

- (i) pillows;
- (ii) quilts;
- (iii) comforters;
- (iv) sheepskins;
- (v) bumper pads;
- (vi) stuffed toys; and
- (vii) other soft products; and

(B) may include a light blanket that is

- (i) securely tucked in at the foot of the mattress, mat or pad; and
- (ii) reaches only as far as the chest of the child.

## **82 Toys and Play Materials**

(a) The licensee shall ensure that the child care home is equipped with toys, books and play materials that



- (1) meet the needs and interests of the children in care;
- (2) promote learning;
- (3) are safe, in good condition and age appropriate;
- (4) provide for large and small motor development; and
- (5) relate to indoor and outdoor activities.

(b) Toys and equipment mouthed by children are sanitized daily

(c) Toys and equipment used by children are cleaned as needed, and at least weekly.

- (d) Use of trampolines is prohibited in the child care area.
- (e) Use of unfiltered pools for wading and swimming is prohibited.

### **83 Supervision**

(a) The licensee shall ensure that

- (1) A staff member supervises each child by sight or sound at all times.
- (2) A staff member is present on each level of the home where children are present
- (3) During mealtimes, each child is in the line of sight of a staff member.
- (4) A sound monitor alone is not used as a means of supervision.
- (5) A child capable of using the toilet independently may use the bathroom without direct adult supervision.
- (6) Children shall not be left alone either inside or outside.
- (7) A child enrolled in at least grade one (1) may participate in activities outside the direct supervision of a staff member with the following conditions:
  - (A) The licensee has on file written permission from a parent.
  - (B) The child remains on the premises of the child care home.
  - (C) Staff physically check on the child every fifteen (15) minutes.
- (8) A child may sleep outside the direct line of vision of a staff member with the following conditions:
  - (A) The child is on the same floor of the home as a staff member.
  - (B) The door of the room where the child is sleeping is open.

- (C) A staff member visually checks a sleeping child
  - (i) less than sixteen (16) months of age every fifteen (15) minutes;and
  - (ii) sixteen (16) months of age and over on a regular basis.

(b) When overnight care is provided, the licensee shall ensure that parents receive written notification that staff may sleep during overnight hours with the following conditions:

- (1) all of the children are asleep; and
- (2) except for the licensee's own children who may sleep in their own beds, all of the children are on the same level of the home as the staff member.

## **84 Behavior Guidance and Discipline**

### **(a) Policy**

The licensee shall provide a written copy of the behavior guidance and discipline policy of the child care home to

- (1) a parent of each child; and
- (2) each child care staff member.

### **(b) Inappropriate Discipline**

- (1) The licensee shall ensure that no staff or household member on the child care home premises during hours of operation engages in or directs others to engage in inappropriate discipline, including but not limited to
  - (A) inflicting corporal punishment in any manner upon a child's body;
  - (B) hitting, spanking, beating, shaking, pinching, biting;
  - (C) using or threatening to use methods of discipline that are
    - (i) cruel;
    - (ii) harsh;
    - (iii) unusual; or
    - (iv) frightening.
  - (D) placing a child in a locked or darkened room;
  - (E) using abusive or profane language;
  - (F) humiliating a child in public or in private; and
  - (G) withdrawal or the threat of withdrawal of meal, snacks, rest or bathroom use.
- (2) If a parent chooses to spank their own children they shall do so out of sight and hearing of the other children
- (3) Staff shall not physically restrain a child except when restraint is necessary to ensure the safety of the child or of others present.

## **85 Child Abuse and Neglect**

Child care staff shall immediately report to child protection services or a local law enforcement agency, suspected

- (a) physical abuse;
- (b) sexual abuse;
- (c) child neglect; or
- (d) child exploitation.

## **Section 9: Transportation and Field Trips**

### **91 Permission**

- (a) Before taking a child off the premises or transporting a child in a vehicle, the licensee shall ensure that the caregiver obtains and keeps on file written permission from a child's parent including permission for another parent to transport the child, if applicable.
- (b) When a caregiver obtains permission required in (a), the licensee shall ensure that
  - (1) For field trips not involving a vehicle, including but not limited to a walk to a local park or neighborhood destination, written permission is obtained at the time of enrollment.
  - (2) For routine transportation of a child in a vehicle to and from school or other activities, written permission is given at least annually.
  - (3) For special, non-routine field trips outside the neighborhood involving transportation in a vehicle, written permission is obtained prior to each trip.

### **92 Vehicle Safety**

- (a) When a child is transported in a vehicle by a child care staff member or a parent other than the child's own parent, the licensee shall ensure that
  - (1) the staff member or parent who is transporting the child
    - (A) is at least eighteen (18) years; and
    - (B) has a valid driver's license; and
  - (2) the vehicle is
    - (A) registered;

- (B) insured;
- (C) in safe condition; and
- (D) equipped with a
  - (i) first aid kit; and
  - (ii) blanket.

(3) the child is transported in safety restraint equipment that is in compliance with state laws and in accordance with recommendation from an automotive manufacturer.

### **93 Child Safety**

- (a) Before a child is taken off the premises or transported in a vehicle, the licensee shall ensure that
  - (1) During field trips to destinations where a child may become separated from the group, each child has a tag or other means of identification that provides the name of the caregiver and a contact telephone number in case of emergency; and
  - (2) the staff member in charge has
    - (A) a list with the full name of each child present;
    - (B) emergency medical authorization and contact information for each child present;
    - (C) a first aid kit;
    - (D) blanket; and
    - (E) an alternate plan for transportation in case of an emergency.
- (b) Staff shall check attendance before, during and after the trip.
- (c) No child shall be left unattended in a vehicle.

## **Section 10: Records**

### **101 Child Records**

- (a) The licensee shall maintain a current list of all children enrolled in the home.
- (b) For each enrolled child, the licensee shall maintain the following records in the child care home:
  - (1) An enrollment form, including the child's name and date of birth.
  - (2) Verification of the child's birth date.

- (3) A consent form, provided by the Division and signed by a parent, if applicable, giving the child care home permission to include information about the child in reports submitted to the State Police for Missing Children Clearinghouse.
- (4) Contact information for the child's parent, including the parent's name, address, and home and work telephone numbers.
- (5) Emergency contact information, including a telephone number, for a responsible adult.
- (6) The names of adults authorized by a parent to pick up the child from the home.
- (7) A release signed by a parent for emergency medical care for the child.
- (8) Written permission signed by a parent for a child to participate in field trips and routine transportation, as applicable.
- (9) A copy of the licensee's behavior guidance and discipline policy signed by a parent.
- (10) A copy of the licensee's safe sleep policy signed by a parent and the caregiver for children 12 months of age and younger enrolled in care.
- (11) Within thirty (30) days of admission, a statement of the child's health signed by a physician or licensed nurse practitioner.
- (12) A record of immunizations.
- (13) If applicable, a written statement signed by a parent requesting exemption from medical requirements based upon personal or religious beliefs.
- (14) Injury reports as required in 103 (c).

## **102 Records for Staff and Household Members**

- (a) For review by the division, the licensee shall maintain the following records in the child care home:
  - (1) A current list of all persons living in the child care home.
  - (2) A current list of all staff.
  - (3) Staff training records.

- (4) Health records, including results of tuberculin tests.
- (5) For any household member who is at least eighteen (18) years of age (or less than eighteen (18) years of age and previously waived to adult court) or any child care staff member, a criminal history check which documents that the individual has not been convicted of a felony or a misdemeanor related to the health or safety of a child or a misdemeanor for operating a child care center or home without a license.
- (6) For any household member who is at least eighteen (18) years of age or any child care staff member, evidence that they have not been named as the alleged perpetrator under Indiana Code 31-33-17-6(7).
- (7) For any household member who is at least eighteen (18) years of age or any child care staff member, written results of drug testing that verifies no presence of an illegal controlled substance.

### **103 Other Records**

#### **(a) Enrollment**

The licensee shall maintain and, when applicable, submit enrollment reports to the division.

#### **(b) Daily attendance**

The licensee shall ensure that daily attendance records for children enrolled in the child care home

- (1) include arrival and departure times;
- (2) include the initials of a parent or person responsible for drop off and pick up; and
- (3) are kept at the child care home for at least two (2) years.

#### **(c) Child Injuries**

The licensee shall ensure that any injury requiring medical attention by a health care professional is reported verbally to a parent immediately and recorded on forms provided by the division and distributed as follows:

- (1) one (1) copy to the parent;
- (2) one (1) copy to the child's file at the child care home; and

- (3) one (1) copy to the division

**(d) Pets**

The licensee shall maintain current vaccination records for any pet kept at the child care home that is subject to rabies.

**(f) Monthly Fire Drills**

- (1) The licensee shall maintain records of monthly evacuation drills that include the following information:

- (A) date and time of the evacuation drill;
- (B) number of staff and children;
- (C) amount of time required to fully evacuate the facility; and
- (D) other comments.

- (2) The licensee shall keep monthly evacuation drill records at the child care home for at least two (2) years.

**104 Record Keeping, Use and Confidentiality/Privacy**

**(a) Child and Family**

The licensee shall ensure that all records regarding an enrolled child and containing facts about the child and his or her family are

- (1) kept confidential;
- (2) kept on the premises of the home, except as authorized by law;
- (3) available for review by the division to determine compliance with this rule.

**105 Written Policies**

For each child care home, the licensee shall have a written policy

- (a) Prohibiting in the child care home during hours of operation
  - (1) the use of
    - (A) tobacco;
    - (B) alcohol; or
    - (C) a potentially toxic substance in a manner other than its intended purpose; and
  - (2) the use or possession of an illegal substance.

- (b) Specifying the drug testing requirements and indicating that the licensee shall immediately suspend or terminate any staff member
  - (1) whose drug testing results are positive for a prohibited substance; or
  - (2) who refuses to submit to a drug test.
- (c) Providing for the reinstatement of an individual following rehabilitation and drug testing results that are negative for a prohibited substance.
- (d) Requiring an individual providing a criminal history to report any criminal convictions to the licensee.
- (e) Outlining safe sleep practices.
- (f) Outlining appropriate behavior guidance and discipline practices.

#### **106 Admission Requirements**

No person shall discriminate relative to the admission of a child to a child care home on the basis of the following:

- (1) Race.
- (2) Color.
- (3) Religion.
- (4) Sex.
- (5) National origin.
- (6) Ancestry.
- (7) Disability.